

Barry Telford
Chairman
Jerry Johnson
Vice Chairman



Texas House of Representatives
Committee on Pensions & Investments

Committee Members:
Hugo Berlanga
Pat Haggerty
Doyle Willis
Ron Wilson
Irma Rangel
Brian McCall
Kip Averitt

November 6, 1995

The Honorable Dan Morales
Attorney General of Texas
300 W. 15th St.
Austin, TX 78701

Dear General Morales:

On behalf of the House Committee on Pensions and Investments, I am requesting the opinion of your office on the following question of law:

Does the amendment to Section 822.201(c), Government Code, made by Section 35, Chapter 260, Acts of the 74th Legislature, 1995 (Senate Bill No. 1), violate the Fourteenth Amendment to the United States Constitution or any other provision of the federal or state constitution?

As amended, Section 822.201(c), Government Code, reads as follows (the change in statute is underlined):

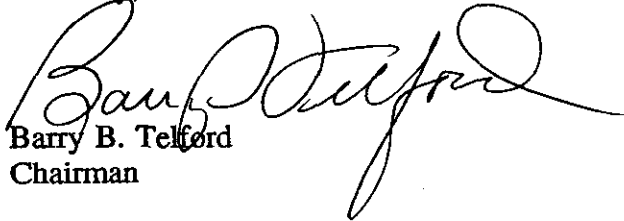
(c) Excluded from salary and wages are expense payments, allowances, payments for unused vacation or sick leave, maintenance or other nonmonetary compensation, fringe benefits, deferred compensation other than as provided by Subsection (b)(3), compensation that is not made pursuant to a valid employment agreement, payments received in the 1995-1996 or a subsequent school year for teaching a driver education and traffic safety course, and any compensation not described in Subsection (b).

As a matter of history, I believe that this legislation is the first attempt to discriminate in teacher retirement system benefits because of course content.

November 6, 1995
2/2

I appreciate your prompt response to this inquiry. If you need background material on this inquiry, please let me know.

Sincerely,

A handwritten signature in cursive script, appearing to read "Barry B. Telford".

Barry B. Telford
Chairman

BT/sbw